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Christopher Lyle Adams

TEL-060

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EXAMINER

FAROUL, FARAH

ART UNIT

PAPER NUMBER

2616

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/659,995

Applicant(s)

ADAMS, CHRISTOPHER LYLE

Examiner

Farah Faroul

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9,11-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11-13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following Office Action is based on the amendment filed on August 23, 2007, having claims 1, 3-5, 7-9, 11-13, and 15-16 (claims 2, 6, 10 and 14) and figures 1-20.

#### ***Claim Objections***

2. Claims 1, 3-5, 7-9, 11-13, 15 and 16 are objected to because of the following informalities:

Claims 1, 3-5, 7-9, 11-13, 15 and 16 are objected to because they recite the word "such". Deletion of the word is required to render the claims positive.

Claim 3 recites the limitation "wherein the first of the plurality of telephony stations". The limitation is unnecessary in the claim and is to be deleted. The rest of the claim limitations do not seem to follow from the limitation above.

Claim 11 recites the word "fo" in line 11, which seems to be a misspelling of the word "of". Spelling correction is required.

Claim 11 recites the word "beign" in line 12, which seems to be a misspelling of the word "being". Spelling correction is required.

Claim 16 recites the word "bee" in line 4, which seems to be a misspelling of the word "been". Spelling correction is required.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-5 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the group of endpoints" in line 11. There is no antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Murphy (US 6,754,224 B1).

For claim 9, Murphy discloses obtaining a multicast group address of a multicast group associated with the control unit and joining the multicast group (column 3, lines 42-59).

Updating the status of the indicator associated with the outside telephone line between a status of "available" and "in use" in response to receiving a multicast status

message addressed to the multicast group address and identifying the outside telephone line and its status (see Figure 2, column 4, lines 50-61)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11-12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 6,754,224 B1) in view of D'Angelo (US 6,717,938 B1).

For claim 11, Murphy discloses the entire claimed invention except for at least one of the plurality of indicators is associated with a second of the plurality of telephony stations, the indicator indicating a status of the second of the plurality of telephony stations, the status being one of "on hook" and "off hook", updating the status indicator associated with the second of the plurality of telephony stations between the "on hook" and "off hook" status in response to receiving a multicast status message addressed to

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the multicast group address and identifying the state of the second of the plurality of telephony stations and initiating a communication session to the second of the plurality of telephony stations in response to user activation

D'Angelo, from the same or similar field of endeavor, teaches displaying on a user interface the status of a telephony station and updating the status of the telephony station (column 16, lines 24-45 and column 3, lines 24-33).

Thus, it would have been obvious to someone of ordinary skill in the art to combine the display method of D'Angelo with the communication network of Murphy. The display system of D'Angelo is implemented into the communication network of Murphy by displaying the phone status on the user interface. The motivation to combine the display method of D'Angelo with the communication network of Murphy is that it makes the status of the telephony station readily available to a user.

For claim 12, Murphy discloses sending a multicast status message addressed to the multicast group address and the multicast status message identifies the first of telephony stations (column 4, lines 59-61).

For claim 12, D'angelo discloses an indication of the status of the first telephone, the status being one of "on-hook" or "off-hook" (column 3, lines 26-34).

For claim 13, Murphy discloses the multicast group address is an IP multicast address distinct from an IP address of the control unit, an IP address of the first of the plurality of the telephones and an IP address of the second of the plurality of telephones (column 3, lines 38-41).

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6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 6,754,224 B1) in view of D'Angelo (US 6,717,938 B1) as applied to claim 13 above, and further in view of Mahajan et al. (US 6,785,274 B2).

For claim 15, Murphy and D'angelo disclose the entire claimed invention except for sending the multicast status message in response to passage of a time duration following sending of a previous multicast status message even if there is no change in status of the first of the telephones

Mahajan, from the same or similar field of endeavor, teaches sending a multicast status message after a predetermined time period (column 7, lines 1-44)

Thus, it would have been obvious to someone of ordinary skill in the art to combine the multicast distribution method of Mahajan with the modified system of Murphy and D'Angelo at the time of the invention. The multicast distribution method of Mahajan is implemented into the modified system of Murphy and D'Angelo by sending the multicast status message in response to a status change of the telephony system. The motivation to combine the multicast distribution method of Mahajan with the modified system of Murphy and D'Angelo is that it provides status update notification of a telephony station.

For claim 16, Mahajan discloses sending a multicast status message in response to receiving an update request (column 6, lines 49-62).

***Allowable Subject Matter***

7. Claims 1, 3-5 and 7-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

8. Applicant's arguments with respect to claims 9, 11-13 and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thornton et al. (US 2002/0101860 A1) and Cave et al. (US 2001/0005382 A1) are cited to show systems pertinent to applicant's invention.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farah Faroul whose telephone number is 571-270-1421. The examiner can normally be reached on Monday - Friday 6:30 AM - 4 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F.F.



11/4/07

**BRIAN NGUYEN  
PRIMARY EXAMINER**